

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

INA STEINER, DAVID STEINER, and)
STEINER ASSOCIATES, LLC,)

Plaintiffs,)

v.)

EBAY INC., et al.,)

Defendants.)

Civil Action No. 21-cv-11181-PBS

**UNOPPOSED MOTION FOR LEAVE TO TAKE THE EXPERT DEPOSITION OF
KRISTIN KUCSMA OUT OF TIME**

Defendant eBay Inc. (“eBay”) respectfully moves unopposed to take the expert deposition of Kristin Kucsma out of time. Ms. Kucsma was ill on the morning of her noticed deposition and was not able to complete her deposition on the noticed date. The parties are discussing rescheduling the remainder of her deposition, but will not complete the deposition prior to the December 20, 2024 deadline for expert discovery. eBay respectfully requests leave to take this deposition out of time. No party has opposed this motion.

As grounds for this motion, eBay states as follows:

1. The deadline for expert discovery is December 20, 2024. Dkt. 510, 511.
2. eBay noticed the in-person deposition of Plaintiffs’ expert, Ms. Kucsma, for 9:00AM on December 18, 2024.
3. On the morning of December 18, 2024, Plaintiffs’ counsel informed eBay’s counsel that Ms. Kucsma was ill and was unable to make the in-person deposition. She was able to begin her deposition remotely at 1:00PM, but could not continue the deposition for the seven hours provided by Federal Rule of Civil Procedure 30.
4. Plaintiffs and eBay agreed to continue Ms. Kucsma’s deposition to a later date, and further that eBay could take Ms. Kucsma’s deposition out of time if the deposition was not completed

prior to December 20, 2024.¹ This agreement was memorialized on the record at the conclusion of the first portion of Ms. Kucsma's deposition. *See* Exhibit 1.

5. The deposition will not be completed prior to December 20, 2024.

6. eBay counsel emailed all other counsel of record asking if they objected to taking this deposition out of time, and, as of the time of this filing, counsel either agreed to take the deposition out of time or did not respond.

WHEREFORE, eBay requests that the Court grant this motion and grant leave for eBay to take the deposition of Plaintiffs' expert Kristin Kucsma after December 20, 2024.

Dated: December 20, 2024

Respectfully submitted,

/s/ Jack W. Pirozzolo

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¹ Plaintiffs further agreed to not oppose a motion by eBay to extend the deadline for a *Daubert* motion concerning Ms. Kucsma. eBay reserves its rights to seek such an extension at a later time depending on the date of Ms. Kucsma's continued deposition.

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CERTIFICATION PURSUANT TO L.R. 7.1(a)(2)

I, Jack W. Pirozzolo, counsel for eBay, hereby certify that, in accordance with Local Rule 7.1(a)(2), I have conferred with counsel for Plaintiffs and other Defendants in this matter. eBay counsel emailed counsel of record asking if they objected to taking this deposition out of time, and, as of the time of this filing, all parties either agreed to take the deposition out of time or did not respond.

Dated: December 20, 2024

/s/ Jack W. Pirozzolo

Jack W. Pirozzolo

CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2024, this document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: December 20, 2024

/s/ Jack W. Pirozzolo
Jack W. Pirozzolo